

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

***United States Attorney
Carol C. Lam***

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For Immediate Release

NEWS RELEASE SUMMARY - September 30, 2005

United States Attorney Carol C. Lam announced that Michael Lee Blevins, one of the owners of Metabolife International, Inc., pled guilty today in federal district court in San Diego before United States District Court Judge James Lorenz to being a felon in possession of a firearm.

According to the plea agreement, Blevins (who was previously convicted of Conspiracy to Manufacture and Possess Methamphetamine with Intent to Distribute) utilized a straw purchaser to illegally obtain from the El Cajon Gun Exchange: (1) a Weatherby .30-06 high-powered rifle; (2) a Remington 12 gauge shotgun; (3) a Ruger .357 Model KGP 141 handgun; and (4) 500 rounds of Federal .30-06 ammunition.

United States Attorney Lam noted that this prosecution was brought under the Brady Handgun Violence Prevention Act which required that background checks be utilized by any Federal Firearms seller to determine whether a prospective firearms sale would violate federal or state laws. United States Attorney Lam stated, "When Blevins was convicted of committing drug felonies, he lost his right to possess guns. By ignoring that prohibition, he has committed yet another crime."

Federal law requires that Federal Firearms Licensees conduct a National Background Check for any matching records in three different databases. These include the National Crime Information Center (“NCIC”) which contains information on wanted persons; the Interstate Identification Index which contains criminal history records; and the National Criminal Background Check System (“NICS”) Index which contains prohibited persons as outlined in the Brady Act, such as individuals who have been convicted of a crime punishable by imprisonment for more than one year.

According to Assistant United States Attorney Kyle W. Hoffman, who is one of the prosecutors handling the case, as part of the law restricting the sale of firearms to prohibited individuals, purchasers are required to execute Department of Treasury Form 4473. This form is designed to allow the Government to check whether the purchaser is prohibited under the law from purchasing a firearm. In order to ensure that prohibited individuals do not use “straw purchasers” to acquire the firearms, Form 4473 requires the purchasers to certify that they are not buying the firearm for other persons. In addition, the form requires the buyer to list the actual purchaser’s residence address and date of birth.

Assistant U.S. Attorney Phillip L.B. Halpern, who is also prosecuting the case, added that it is a violation of federal law for a purchaser to make false statements on Form 4473 to the licensee with respect to the identity of the actual purchaser of the firearm, as well as the actual purchaser’s residence address and date of birth. Moreover, the actual purchaser who utilized the straw purchaser to acquire a firearm has unlawfully aided and abetted or caused the making of the false statements.

United States Attorney Lam praised the efforts of the Internal Revenue Service, Criminal Investigation Division, and the Alcohol, Tobacco, Firearms and Explosives which jointly investigated the case.

DEFENDANT

MICHAEL LEE BLEVINS

SUMMARY OF CHARGES

Count 2: Felon in Possession of a Firearm in violation of Title 18, United States Code, § 922(g)(1) and Aiding and Abetting in violation of Title 18, United States Code, § 2 Maximum Penalties: 10 years in custody and/or \$250,000 fine

AGENCIES

Internal Revenue Service, Criminal Investigation
Alcohol, Tobacco, Firearms and Explosives